



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: July 3, 2000

(2) Purpose: Chapter 16-71, "Equine Infectious Anemia" protects animal and public health by establishing rules for control of Equine Infectious Anemia (EIA), an important equine disease. EIA is an infection with the equine infectious anemia lentivirus, which affects both sexes, all ages and all breeds and species of equines. Infected animals remain carriers for life, constituting a potential source for spread of the infection. There is no known cure or treatment for the disease. Minor technical changes—16-71-010 add "s" to "Definition", 16-71-010 (5) insert "Health" between "Plant" and "Inspection", 16-71-022 (1) change "must" to "will" and "must be" to "are", 16-71-035 insert "form" between "VS" and "1-27".

(3) Citation of existing rules affected by this order: WAC 16-71, "Equine Infectious Anemia"

Repealed: 16-71-001, 16-71-003, 16-71-040 and 16-71-050

Amended: 16-71-010, 16-71-022, 16-71-030

Suspended: None

(4) Statutory authority for adoption: RCW 16.36.040

Other Authority: None

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-11-145 on May 24, 2000.

Describe any changes other than editing from proposed to adopted version: See Item 2 above.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
- No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules
or Expedited Repeal

Emergency Rules

31 days after filing

Immediately

Other (specify) _____*

Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title

Director

Date

July 3, 2000

CODE REVISER USE ONLY

DATE: JUL 3 2000

TIME: 11:55 AM

00.14.059

AM

PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | ----- | Amended | ----- | Repealed | ----- |
| Federal rules or standards: | New | ----- | Amended | ----- | Repealed | ----- |
| Recently enacted state statutes: | New | ----- | Amended | ----- | Repealed | ----- |

The number of sections adopted at the request of nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | ----- | Amended | ----- | Repealed | ----- |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|---|---------|---|----------|---|
| New | 1 | Amended | 3 | Repealed | 4 |
|-----|---|---------|---|----------|---|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | ----- | Amended | ----- | Repealed | ----- |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | ----- | Amended | ----- | Repealed | ----- |
| Pilot rule making: | New | ----- | Amended | ----- | Repealed | ----- |
| Other alternative rule making: | New | ----- | Amended | ----- | Repealed | ----- |

AMENDATORY SECTION (Amending Order 1330, filed 12/21/73)

WAC 16-71-010 Definitions. (~~((For the purpose of this order equine infectious anemia (swamp fever) means a disease of equine, the causative agent of which is a virus infecting both sexes, all age groups, and all breeds and species of equines. Infected animals remain a carrier of the disease for their entire lifetime, constituting a potential source for the spread of the disease, there being no known cure or treatment.))~~) (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the department or his or her duly authorized representative.

(3) "Equines" means horses, donkeys, mules, ponies and others in the Equidae family.

(4) "Equine Infectious Anemia (EIA)" means infection with the equine infectious anemia lentivirus, affecting both sexes, all ages, all breeds and all species of equines. Infected equines remain carriers for life, constituting a potential source for spread of the infection. There is no known cure or treatment.

(5) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form published by the state of origin or by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). This certificate must be issued by a licensed, accredited veterinarian or a veterinarian approved by USDA APHIS.

(6) "Official test" means blood samples tested by USDA-approved laboratories or by people authorized by the state of origin's animal health officials to conduct tests.

(7) "Reactor" means an equine found positive on an official EIA test.

AMENDATORY SECTION (Amending Order 1431, filed 2/10/76)

WAC 16-71-022 Procedure. (~~((1) Positive diagnosis is made by the agar gel immunodiffusion test (Coggins test) or other approved tests, to be conducted at laboratories approved and recognized as official laboratories for the diagnosis of the equine disease, equine infectious anemia. Blood samples collected for the purpose of testing for EIA will be done by practicing veterinarians at the owner's request and expense. A complete positive identification of the horse will be made by the veterinarian at the time of blood sample collection and may include an animal identification seal. Owners of horses on which the approved test is to be conducted will~~

~~be advised as to agreed procedure that is to follow in the event the animal/s are positive to the official test and an agreement will be signed by the owner of the animals in which the owner will agree to the disposition of the horse or horses as outlined in this order.~~

~~(2) All equines over six months of age entering the state of Washington, will be accompanied by an official health certificate, and a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. The exception being those consigned for immediate slaughter, or those consigned to a veterinary clinic, under the supervision of an accredited veterinarian, for the purpose of treatment or surgery, and are to return to the state of origin following treatment or surgery. Provided, That any equine consigned to a clinic as set forth above, shall not be commingled, loose housed or common corralled with any other equine.~~

~~(3) The management, board of governors, individuals or individuals responsible at race track, rodeos, shows, fairs or similar assembly points, may require that all horses consigned to or participating at race tracks, rodeo, show, fair or similar assembly points, be negative to an official test for equine infectious anemia within six months prior to participation.~~

~~(4) Being that the state of Oregon's equine infectious anemia program is now equal to that of the state of Washington's, the test requirements of Order No. 1330 as amended by Order No. 1354 shall not apply to Oregon or Washington horses.))~~ (1) Positive diagnosis of EIA is made with the agar gel immunodiffusion test (AGID or Coggins test), competitive enzyme-linked immunosorbent assay (cELISA test) or other official test. A supplementary AGID will be conducted to confirm positives detected with other official tests. Blood samples for EIA testing will be collected by licensed, accredited veterinarians at the owners' request and expense. At sample collection, the veterinarian will make an accurate, detailed identification of the equine on an official test request form. Positive test results are to be reported to state and federal animal health authorities. Owners will be advised of the procedure if equines are found positive on the official test. The owner must sign an agreement regarding disposition of a reactor. The agreement should follow a herd plan as defined in chapter 16.36 RCW.

(2) All equines over six months of age entering the state must be accompanied by an official health certificate and a record of a negative EIA test conducted within six months prior to importation. Exceptions to the EIA test requirement:

(a) Equines consigned for immediate slaughter;

(b) Equines consigned to a veterinary clinic for the purpose of treatment or surgery, under the supervision of a veterinarian. These equines must return to the state of origin following treatment or surgery and must not be commingled, housed or corralled in common with any other equine;

(c) Equines under six months old;

(d) Oregon-origin equines under a reciprocal arrangement; and

(e) Idaho-origin equines may be excluded when a reciprocal

arrangement exists for Washington-origin equines moving into Idaho.

(3) The management or board of governors at race tracks, rodeos, shows, fairs or other assembly points may require negative, official EIA tests within six months prior to consignment or participation for all equines consigned to these assembly points or participating in events.

AMENDATORY SECTION (Amending Order 1330, filed 12/21/73)

WAC 16-71-030 Quarantine. ((Horses and other equine found positive to the approved test will be quarantined to the premises of origin as provided by law. If reactor is disclosed while horse is on a premise other than the owner's, permission may be granted to move the animal to the owner's premise. Reactor animal will be kept separate and apart from all other horses in an approved isolation facility. All horses on a premise where reactors are or have been located will be quarantined and movement allowed only after a negative test of animals so exposed. Quarantine will be released only upon the death of the reactor, when it is moved with permit to slaughter, or if legally removed from the state, the receiving state agreeing and accepting the movement of the reactor animal to said state, and all other horses on the premise are negative to an approved test.)) (1) Within twenty-four hours after positive test results are known, reactors will be quarantined to the premises of origin as provided in chapter 16.36 RCW. The quarantine will remain in effect until confirmation of reactor status and the reactor's disposition. The quarantine will be released only upon the reactor's death or when it is legally moved from the premises by permit on a VS form 1-27. If reactor status is disclosed while the equine is on a premises other than the owner's, permission may be granted to move the animal to the owner's premises. Reactors can only move by permit on a VS form 1-27. State and federal animal health authorities will conduct an epidemiological investigation to identify other equines exposed to EIA by contact with the reactor. All equines having contact with the reactor must be quarantined. The quarantine will be removed on these contact equines and movement allowed only after a negative, official EIA test at least 60 days after removal of the reactor.

(2) Confirmed reactors must be euthanized, placed in a quarantine facility for life, donated to a diagnostic or research facility, legally moved to slaughter or legally removed from the state. A state or federal animal health authority or a licensed, accredited veterinarian will conduct euthanasia. For lifelong quarantine, a state or federal animal health authority must approve the isolation facility. The isolation facility must keep the reactor separate from all other equines. It must be screened to prevent transmission of EIA by insects. With consultation of an entomologist, an insect control program must be developed, approved

by the director and must be followed routine.,. The isolation facility must be located at least 200 yards from any other equines. The department will pay for and hold a lifetime brand inspection on those equines held in lifetime quarantine. If the reactor is donated, moved to slaughter or removed from the state, it can only move by permit on a VS form 1-27. For removal from the state, the receiving state must agree in advance to accept the reactor.

NEW SECTION

WAC 16-71-035 Identification of reactors. Confirmed reactors will be permanently identified by lip tattooing or branding with a hot iron, chemical brand or freeze brand. A lip tattoo is applied to the inside surface of the upper lip and consists of the numbers 91 followed by the letter A, with each character being at least one inch high and three-fourths of an inch wide. A brand is applied on the left side of the neck or left shoulder and consists of the numbers 91 followed by the letter A, with each character being at least two inches high. Permanent identification will be applied by state or federal animal health authorities or by licensed, accredited veterinarians. Permanent identification is not necessary if the reactor is moved directly to slaughter under permit with a VS form 1-27 and the vehicle is officially sealed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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|---------------|---------------|
| WAC 16-71-001 | Promulgation. |
| WAC 16-71-003 | Promulgation. |
| WAC 16-71-040 | Branding. |
| WAC 16-71-050 | Penalty. |